

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Anderson et al.

Serial No.: 10/580,636

Filed: September 4, 2007

For: MODULAR CATHETER

Confirmation No.: 4373

Examiner: E. Cardinal

Group Art Unit: 3739

Attorney Docket No.: 3485-P10379US
(CRx5/SIP69253USP
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VIA ELECTRONIC FILING

October 6, 2011

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is filed in response to the Notice of Allowance dated September 27, 2011 and sets forth Applicants' comments, pursuant to 37 C.F.R. § 1.104(e), on the Examiner's Statement of Reasons for Allowance accompanying the Notice of Allowance.

In the Notice of Allowance dated July 14, 2011, the Examiner indicates:

The prior art does not teach or suggest a catheter with a steering mechanism and a closed tubular member with electrode conductors in the catheter wall, where the proximal ends of the tubular member and steering mechanism are releasably connectable to the distal end of the control device.

The closest prior art, in addition to that already discussed in the record, is US Patent 6,221,070 B1 to Tu et al. with electrode conductors explicitly in the lumen, US Patent 5,861,024 A to Rashidi with the releasable connection at the proximal end of the control device, and US Patent 5,396,902 A to Brennen et al. that discloses a steering stylet and removable handle for tubular devices with conductors in the lumen.

In the Notice of Allowance dated September 27, 2011, the Examiner indicates:

The new reference provided in the Information Disclosure Statement filed September 13, 2011 does not provide any teaching or suggestion of the claims allowed in the action of August 12, 2011.

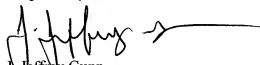
Applicants concur with the reasons as stated by the Examiner insofar as they comprise a summary, which is exemplary and not limiting. However, the scope of the claims is based on the actual language of the claims as a whole and equivalents thereof, and not on a paraphrase, summary, or excerpt of the claim language.

The independent claims as allowed recite elements and limitations in addition to, and in different language than, those mentioned in the Statement of Reasons for Allowance. Furthermore, the dependent claims recite elements and limitations in addition to those of the independent claims, which are also not reflected in the Statement of Reasons for Allowance. Such additional elements and limitations, in combination with those of the independent claims from which each claim depends, provide additional reasons for patentability. Accordingly, the scope of the claims must be determined from the literal language of each as a whole, as well as all equivalents thereof.

Therefore, to the extent that the Examiner's reasons for allowance as stated are not relevant to, or wholly encompassing of, a particular claim, independent or dependent, do not examine differences between the scope and content of any particular prior art references and the claims as a whole, and do not necessarily reflect the perspective of a person of ordinary skill in the art at the time of invention, Applicants assume that (pursuant to 37 C.F.R. § 1.104(e)) the Examiner has determined that the record of the prosecution as a whole of the application makes clear the reasons for allowing those claims. Further, it appears, pursuant to MPEP § 1302.14, that

the Examiner's Statements of Allowable Subject Matter are not intended to encompass all of the reasons for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Jeffrey Gunn", followed by a long horizontal flourish line extending to the right.

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